

**UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
TYLER DIVISION**

ROTHSCHILD BROADCAST DISTRIBUTION  
SYSTEMS, LLC,

Plaintiff,

v.

CRUNCHYROLL, INC.,

Defendant.

Civil Action No. 6:15-CV-238

**DEFENDANT CRUNCHYROLL, INC.’S MOTION TO DISMISS  
PLAINTIFF’S COMPLAINT FOR FAILURE TO STATE A CLAIM  
PURSUANT TO 35 U.S.C. § 101**

Defendant Crunchyroll, Inc. (“Crunchyroll”) moves to dismiss this patent infringement action because Plaintiff Rothschild Broadcast Distribution Systems, LLC has failed to state a claim upon which relief can be granted. Specifically, the claims of Plaintiff’s sole asserted patent, U.S. Patent No. 8,856,221 (the “’221 Patent”), are invalid under 35 U.S.C. § 101 as drawn to patent-ineligible subject matter—the abstract idea of storing and delivering media content.

Rather than burdening the Court with duplicative briefing, Crunchyroll will rely on and hereby respectfully joins in Defendant Vimeo, LLC’s (“Vimeo”) Motion to Dismiss for Failure to State a Claim Pursuant to 35 U.S.C. § 101, filed in *Rothschild Broadcast Distribution Systems, LLC, v. Vimeo, LLC*, Dkt. 10, Case No. Case No. 6:15-CV-232-RWS-JDL (May 15, 2015).

Vimeo’s motion is attached hereto as Exhibit A. Vimeo’s motion is hereby incorporated fully into this motion and shall serve as stating the bases for Crunchyroll’s motion.

As articulated in Vimeo’s briefing, the claims of the asserted ’221 Patent are directed to

an abstract idea and are ineligible for patent protection pursuant to 35 U.S.C. § 101.

Accordingly, Crunchyroll respectfully requests that this Court dismiss Plaintiff's complaint for patent infringement with prejudice.

Dated: June 15, 2015

Respectfully submitted,

FENWICK & WEST LLP

By: /s/ Bryan A. Kohm

---

Michael J. Sacksteder  
CSB No. 191605 (Admitted E.D. Texas)  
Bryan A. Kohm  
CSB No. 233276 (Admitted E.D. Texas)  
FENWICK & WEST LLP  
555 California Street, 12th Floor  
San Francisco, CA 94104  
Telephone: 415.875.2300  
Facsimile: 415.281.1350  
msacksteder@fenwick.com; bkohm@fenwick.com

Attorneys for Defendant  
CRUNCHYROLL, INC.

**CERTIFICATE OF SERVICE**

Pursuant to the Federal Rules of Civil Procedure, and Local Rule CV-5, I hereby certify that all counsel of record who have appeared in this case are being served today with a copy of the foregoing via the Court's CM/ECF system.

Dated: June 15, 2015

/s/ *Bryan A. Kohm*

Bryan A. Kohm

LIT/1374994.2